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1638

1104628-0016

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Koziel et al.  
Serial No. : 09/988,462  
Filed : November 20, 2001  
For : Synthetic DNA Sequence Having Enhanced  
Insecticidal Activity in Maize  
Examiner : McElwain, Elizabeth  
Group Art Unit : 1638

I hereby certify that this paper is being deposited  
with the United States Postal Service as first class mail on the  
date indicated below in an envelope addressed to:

Assistant Commissioner for Patents  
P.O. Box 1450, Alexandria, VA 22313-1450

John Scheibeler 35,346

Name PTO Reg. No.

*John Scheibeler* 9/16/03

Signature Date of Signature

**SUPPLEMENTAL  
INFORMATION DISCLOSURE STATEMENT  
BEFORE MAILING OF A FIRST OFFICE ACTION**

Group 1638  
Assistant Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants submit this Information Disclosure Statement ("IDS") and the attached Form PTO-1449 in compliance with 37 C.F.R. §§1.56, 1.97 and 1.98. A copy of each of the documents listed on the accompanying Form PTO-1449 is submitted herewith.

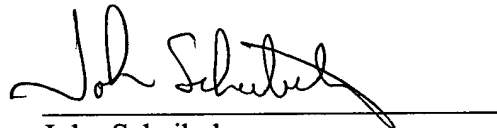
The IDS is submitted to provide the Examiner with additional information arising out of a patent infringement litigation entitled, *Syngenta Seeds, Inc. v. Monsanto Company; DeKalb Genetics Corp.; Pioneer Hi-Bred International, Inc.; Dow Agrisciences, LLC and Mycogen Plant Science, Inc. and Agrigenetics, Inc.*, C.A. No. 02-1331 (D. Del.).

This submission should not be misconstrued as an acknowledgement by applicants or the undersigned that any of the submitted information is material or qualifies as prior art.

This IDS is being filed before the mailing date of a first Office Action on the merits according to 37 C.F.R. §1.97(b)(3). Therefore, no fees are due in connection with this filing. However, should any fees be deemed necessary in connection with this filing, the Assistant Commissioner is hereby authorized to charge Deposit Account No. 23-1703.

Dated: 9/16/03

Respectfully submitted,



John Scheibeler  
Reg. No. 35,346  
Attorney for Applicants  
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SEP 22 2003

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FORM PTO-449 (REV. 2-82) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Atty. Docket No. 1104628-0016	Serial No. 09/988,462
	Applicants: Koziel et al.	
	Filing Date: November 20, 2001	Group: 1638

## UNITED STATES PATENT DOCUMENTS

*Examiner Initial	Document No.	Date	Name	Class	Sub- Class	Filing Date, if Appropriate

## FOREIGN PATENT DOCUMENTS

*Examiner Initial	Document No.	Date	Country	Class	Sub-Class	Translation Yes No
	3 6 5 6 8 8 9	21 Dec 1989	Australia			
	4 6 8 8 1 8 9	21 Jun 1988	Australia			

## OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, Etc.)

	Motion of Defendant Dow Agrosiences LLC, Mycogen Plant Science, Inc. and Agrigenetics, Inc. For Leave to Amend Its Answer
	Motion for Leave to File Second Amended Answer and Counterclaims, by Defendants Monsanto Company and DeKalb Genetics Corp.
	Pioneer Hi-Bred International, Inc.'s Motion to Further Amend Its Answer, Affirmative Defenses and Counterclaims

Examiner:

Date Considered:

\*Examiner: Initial citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.